

Macedonia

Country Reports on Human Rights Practices - 2004 Released by the Bureau of Democracy, Human Rights, and Labor February 28, 2005

Macedonia is a parliamentary democracy with multiethnic party representation and a popularly elected president. In 2001, the country experienced an insurgency conducted by Kosovar and indigenous ethnic Albanians. In August 2001, domestic political parties signed the Framework Agreement (FWA) that called for implementation of constitutional and legislative changes to lay the foundation for improved civil rights for ethnic minority groups.

Parliament had completed nearly all remaining FWA-mandated legislative actions by year's end, including new laws on fiscal and administrative decentralization and municipal boundaries, which provided for enhanced minority civil rights and devolution of power to local governments. In April, following the death of former president Boris Trajkovski, Branko Crvenkovski was elected President in elections deemed generally free and fair by international observers. Former Interior Minister Hari Kostov became Prime Minister in May, but resigned after less than 6 months in office. Former Defense Minister Vlado Buckovski became Prime Minister in December. The Constitution provides for an independent judiciary; however, corruption, coercion and political influence at times limited its ability to function efficiently.

The Ministry of Interior (MOI), which oversees the uniformed police, the non-uniformed police, the police reservists, the internal intelligence service, and the newly-formed Border Police, is under the control of a civilian minister; a parliamentary commission oversees operations. The civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country, with a population of approximately 2 million, had a mixed market-based economy. The gross domestic product grew by less than 2 percent during the year. According to the labor force survey, unemployment remained at approximately 37 percent; however, that figure did not reflect the large gray market economy. Wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Law enforcement officers occasionally beat suspects, particularly during initial arrest and detention. In contrast with previous years, arbitrary arrest and prolonged pretrial detention occurred infrequently. The Government showed progress on investigating allegations of human rights abuses that arose during the year, as well as in investigating cases that arose from previous years. On some occasions, the judiciary did not effectively investigate or prosecute state agents and civilians for alleged human rights abuses. In some cases, police continued to compel citizens to appear for questioning despite requirements that they first obtain a court order. Implementation of an Amnesty Law for former 2001 combatants not accused of war crimes was completed by year's end.

Several judges were dismissed during the year on charges of unprofessional and unethical behavior. The International Criminal Tribunal for the Former Yugoslavia (ICTY) continued to investigate alleged war crimes cases with cooperation from the Government. Violence and discrimination against women (particularly in the Roma and ethnic Albanian communities) remained problematic. Societal discrimination against minorities, including Roma, ethnic Albanians, and ethnic Turks, also remained a problem. Trafficking in women and girls for prostitution was a problem; however, the Government continued to aggressively combat trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, security forces killed at least four individuals during the year. On March 7, police shot and killed two armed men and injured a third in the village of Zerovanje, near Tetovo, as they attempted to arrest the individuals for committing armed robberies of taxi drivers. The

officers opened fire after the suspect attempted to run over a police officer with his car. The MOI Professional Standards Unit (PSU) launched an immediate investigation and concluded that the use of firearms was justified.

On August 13, police shot and killed an Albanian citizen in Debar during an arrest attempt. The victim, wanted by police in connection with organized crime, approached the officers with a live hand grenade. Two police officers were injured in the incident. A PSU investigation found that the officers used appropriate force.

On December 25, police killed one person in a shootout as they attempted to arrest armed criminal Lirim Jakupi in an apartment in Tetovo. The victim, a 21-year-old male student, was harboring Jakupi in his apartment at the time he was shot. Jakupi escaped to Kosovo following the failed arrest and was later arrested by UNMIK forces in Pristina. One police officer was injured in the shootout.

The Government made progress in investigating the Rastanski Lozija case, involving the police killing of seven illegal immigrants in 2002. Due to pressure from international observers and human rights organizations, the Government reopened the investigation during the year. On April 28, police detained six persons in connection with the case. On April 29, the Parliament voted to revoke then-M.P. Boskovski's parliamentary immunity, and, on May 4, the MOI issued a warrant for Boskovski's arrest. On September 1, Boskovski was arrested and charged in Croatia, after the Government submitted evidence on the case to Croatian authorities. At year's end, Boskovski was in detention, awaiting trial in Croatia.

On November 15, the trial of four of the six persons arrested in April in connection with the Rastanski Lozja case began in Skopje and was ongoing at year's end. Two of the six persons arrested in April agreed to testify against their former co-workers in exchange for reduced sentences.

Charges against Selam Selami, who was detained in connection with the shooting of two ethnic Macedonian police officers near Gostivar and severely beaten by police in 2002, were dropped in 2003. A PSU investigation determined that no excessive force was used. As of year's end, there had been no further investigation into the allegations of police abuse. International observers continued to question the quality of the PSU investigation, and the MOI agreed to review Selami's case; however, a new investigation had not been opened by year's end.

There was progress in the investigation of human rights abuse cases from past years. In October, the MOI and international community representatives agreed to establish a mechanism for reviewing older cases that remained unresolved. The MOI began additional field investigations in the first of these cases in mid-December and planned to proceed case-by-case until all outstanding cases were closed. There were no new developments in the case of an ethnic Albanian who was killed in 2002 by the Macedonian Border Brigade after the car he was in ran through an illegal crossing in the village of Belanovce. The case of the "Lion" (member of a now-disbanded special police unit of the same name) who shot and killed an ethnic Albanian man on the Tetovo-Gostivar highway in 2002 was re-opened and additional investigation was underway at year's end. A police officer present at the scene of the 2002 police killing of an ethnic Albanian man at a checkpoint in Tetovo gave evidence to the investigative judge and a civil case was pending. In December, MOI officials were carrying out additional field investigations related to the case.

Unlike the previous year, there were no deaths as a result of landmine incidents.

Three ethnic Albanians were sentenced to 12-year prison terms for planting an explosive device along the Kumanovo-Sopot road in 2003; the explosion killed two Polish NATO soldiers and two civilians, and seriously injured two others. Seven ethnic Albanians were tried on charges of terrorism for planting explosives in the center of the city and on the railway tracks near Kumanovo in 2003, killing one and injuring several others. Each of the seven was convicted and sentenced to a maximum of 7-years in prison.

Demining and unexploded ordnance disposal efforts in former conflict areas continued at year's end. The Office of Civil Protection in the Ministry of Defense was responsible for de-mining and mine-awareness education.

b. Disappearance

There were no reports of politically motivated disappearances.

The International Committee on Missing Persons (ICMP), in cooperation with the Government and family members, identified 8 of the 20 persons missing since the 2001 conflict.

Two of the Macedonian cases in which the ICTY has asserted primacy deal with missing persons (see Section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes tortured and abused prisoners.

In October, police reportedly beat two of several ethnic Albanians arrested near Stenkovec and charged them with attempted murder of a taxi driver and illegal possession of firearms. The MOI stated that force was used because the suspects tried to fire their weapons at police. The PSU investigation, in cooperation with Proxima, concluded that the allegations of abuse could not be confirmed; however, international observers were reviewing the case at year's end. The PSU report prescribed additional training on the appropriate use of force for the officers involved.

In 2003, a court sentenced Sulejman Sulejmani to 10 years in prison for planting a landmine in Sopot that killed two Polish NATO soldiers and two citizens. Sulejmani's lawyer appealed the conviction; a Supreme Court appeal was pending at year's end. Sulejmani denied the allegations against him and claimed harassment by police and detention in an unknown location for 2 days after his arrest. The PSU report found no evidence of police abuse of authority or use of excessive force. Copies of the report were delivered to the Helsinki Committee, the Ombudsman's Office, the NGO Arka in Kumanovo, and the Organization for Security and Cooperation in Europe (OSCE).

In June 2003, security and counter-intelligence officers in Kumanovo allegedly unlawfully detained and severely mistreated Avni Ajeti, who was suspected of planting a mine on the Skopje-Belgrade railroad and a bomb in the Kumanovo central square. In December 2003, Ajeti was sentenced to 7 years' imprisonment for terrorism; his appeal was pending at year's end. A PSU investigation found no evidence of mistreatment in Ajeti's case, but international observers continued to doubt the thoroughness of the investigation.

There were credible reports of occasional police violence and harassment against Roma.

On July 5, three police officers beat Trajan Ibrahimov and Bergiun Ibrahimovic, both Romani men from Skopje, outside Ibrahimov's home. The police approached the home in search of a fugitive, and despite Ibrahimov's response that he was not the fugitive, the officers proceeded to beat both men on the head and body and arrested them. Both men were then taken to a police station and held for more than a day. The European Roma Rights Center (ERRC) filed a criminal complaint of maltreatment as well as a private criminal complaint against the officers for inflicting bodily injuries. A PSU investigation found that police use of force was justified. According to the PSU report, officers acted on an anonymous tip that fugitive Tahir Ibraimovic, for whom they had an arrest warrant, was located inside the house. The police informed the two men that they were searching for a fugitive named Ibraimovic, and asked for the men's identification. Trajan Ibrahimov reportedly slapped one of the officers, who struck back in an attempt to subdue him. Bergul Ibrahimov then struck the officer in the knee. The two men were taken into custody and asked to submit to alcohol testing, which they refused. Police filed criminal charges against both men for assault on a police officer during execution of his duties.

Two Romani men who filed civil charges against four police officers in Kumanovo in connection with alleged ill-treatment in 2003 reached an undisclosed financial settlement out of court two weeks after the event.

The case against former MOI Boskovski for injuring four persons during a Lion's live-fire training exercise in 2002 remained stalled at year's end. Boskovski is in detention in Croatia facing several unrelated charges.

There were no developments during the year in the following cases from 2002: The alleged torture by police of Dusko Aranglovi; the reservist police officer shooting of an 11-year-old girl in Skopje; the beatings of at least seven ethnic Albanians by members of the Lions special police unit. A 2002 PSU report concluded that the police beating of Plasnica Mayor Ismaili Jaoski was not an excessive use of force.

Charges against six to eight police officers who severely beat an OSCE observer at a bar in 2002 were dismissed shortly thereafter, when the observer declined to pursue the case and left the country. Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. Men and women were held separately. Pretrial detainees were held separately from convicted criminals. Juvenile prisoners were supposed to be physically separated from adults; however, juveniles often served their sentences with adults.

The Government permitted visits to convicted prisoners by independent humanitarian organizations such as the International Committee of the Red Cross (ICRC) and the Human Rights Ombudsman. The Criminal Code was amended during the year to allow access to pretrial detainees for family members, physicians, chiefs of diplomatic missions, and representatives from the European Committee for the Prevention of Torture (CPT) and ICRC, following the approval of the investigative judge. The ICRC was initially denied access to detainees after the passage of the new law; however, by year's end, access had been granted.

The CPT was authorized to visit all places of detention on a regular and ad hoc basis, as well as numerous police stations. In July, the CPT carried out a week-long visit; the report on the visit was not available at year's end.

d. Arbitrary Arrest or Detention

The Constitution specifically prohibits unlawful arrest; however, arbitrary arrest and detention were problems.

The Macedonian National Police, within the MOI, is a centralized force with two major components: Uniformed police and criminal (civilian) police. In March, a Border Police was established within the MOI that took over responsibility for border operations from the military. By year's end, the Border Police had complete control over all border operations in southern and eastern parts of the country. They were expected to assume full responsibility for the northern and western parts of the country by the end of 2005.

MOI officials in Skopje control, supervise, and direct all subordinate regional offices, which allows little opportunity for regional and local commanders to design and implement policies that specifically address the needs in their jurisdictions.

The 185-member European Union (EU) Police Mission Proxima was deployed in December 2003 to perform an advisory role, assisting the police in former conflict areas and advising on MOI reforms. The EU granted Proxima a 12-month extension in October at the request of the Government.

The police force remained largely ethnic Macedonian; however, the Government took steps to improve ethnic representation, such as maintaining a 22 percent recruiting quota for ethnic minority recruits and beginning a training course for an additional 345 "non-majority" police officers. Ethnically mixed patrols operated in predominantly ethnic Albanian areas.

The MOI took concrete steps to reform the police. In October, it opened the police academy to update and institutionalize the processes of selection, training, and continuous education of police officers, and to create a merit-based, professional police cadre. The Academy's first class of 141 candidates included 99 ethnic Macedonians, 23 ethnic Albanians, 3 ethnic Turks, 7 ethnic Serbs, 3 ethnic Roma, 2 ethnic Bosnians, 2 ethnic Vlachs, and 2 of other ethnicities. Human rights training was mandated for all recruits at the Academy.

MOI officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. In October, international observers noted improved MOI response to investigating individual cases of police misconduct and more frequent and consistent disciplining of officers found guilty; however, they cited a limited range of disciplinary options as an issue that sometimes precluded appropriate sanctions.

The PSU, which is responsible for investigating corruption, completed a major corruption-related investigation in which it demoted 70 traffic police officers, and terminated 8 for misuse of position, misappropriation of funds and receiving bribes. All 70 officers, including 2 police station commanders and 8 section leaders, were reassigned to other positions. Disciplinary procedures were initiated against 42 officers. Of these, 34 received a 15 percent pay cut for 1 to 6 months, depending on specific aspects of the case, while 8 were terminated. The PSU filed criminal charges against two MOI administrators for their involvement in the same case. Proceedings were ongoing at year's end.

In April, a pilot community policing project, the second in the country, was initiated by the MOI in Skopje. In April, a 1-year training course for 345 "non-majority" police officers, including 280 ethnic Albanian police cadets, 40 ethnic Macedonian cadets, and 25 cadets representing the other ethnicities, was initiated in accordance with the FWA.

The law requires warrants for arrest and detention. There were fewer reports during the year that this procedure was violated. The Constitution states that a detainee must be arraigned in court within 24 hours of arrest; however, police at times violated this requirement, often by transferring the suspect from one police station to another so as not to exceed a 24-hour period of police detention at the location. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings; however, detainees were at times denied access to an attorney during police and investigative proceedings, which caused additional problems during later stages of the criminal proceedings.

Suspects occasionally claimed ill-treatment by the police during initial detention periods (see Section 1.c.).

There is a functioning bail system that was used primarily by the courts in "property related crimes" such as fraud, embezzlement, and abuse of official position. The courts were reluctant to approve bail for defendants accused of violent crimes or crimes against children.

The police have no legal powers to coercively detain a person for an interview unless that person is arrested while committing a crime; however, there were several reports of police detaining individuals for "informative talks," although according to official information, all individuals were either released within 24 hours, or taken to an investigative judge for further proceedings. For example, in May, police in Prilep brought a group of young Roma to the police station for "informative talks," stating that there was an increase in the percentage of Romani youths using narcotics and that the youths were brought in as a preventative measure.

The maximum length of pretrial detention is 180 days; however, pretrial detention exceeding 180 days after indictments entered into force was a problem, and detainees at times were held on weak evidence. In October, Slobodanka Sukleva, the former director of the Gevgelija Medical Center, was released from 4½ months of pretrial detention on corruption and embezzlement charges although criminal proceedings were ongoing at year's end.

Investigative judges determine the legality of detention. The law provides for access by attorneys and other interested individuals to pretrial detainees, but such access has to be approved by an investigative judge and the warden of the detention facility; in practice, investigative judges and wardens regularly approved such access. If the judge determines that an arrested person should be further detained, the judge must immediately inform the public prosecutor. If the prosecutor does not file a request for a criminal investigation within 24 hours, the investigative judge must release the arrested person. This generally occurred in practice.

NGOs, as well as other legal experts, contended that the judiciary sometimes abused its pretrial detention authority. During the year, there were fewer allegations than in previous years that the judiciary succumbed to pressure by the executive branch to order long detentions; however, on several occasions the opposition claimed that investigative judges, under pressure from the Government, improperly extended pretrial detention, allegedly for politically motivated reasons, in serious corruption-related cases.

The Amnesty Law was regularly implemented and respected. Under provisions of the law, persons accused of fighting with or actively supporting the NLA up until the date of the NLA's disbandment in 2001 were granted amnesty; however, the law did not apply to persons accused of war crimes as defined in the ICTY statute. More than 900 persons were given amnesty; by year's end, the amnesty process had been completed.

The ICTY continued to investigate alleged war crimes and was expected to make its decisions regarding indictments in early 2005.

In the case of 10 ethnic Albanians accused of abducting 5 ethnic Macedonians along the Tetovo-Gostivar highway in 2002, all were convicted and sentenced to 7 to 10 year prison terms in September. Lawyers for the defendants planned to appeal the case.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was generally weak, at times inefficient, and sometimes influenced by political pressure, intimidation, and corruption.

The media reported that the Chief Prosecutor accused some lower courts of being biased or influenced by political factors, which resulted in prolonged trials and an inability to reach final judgments in politically sensitive cases. The State Anticorruption Commission reviews cases of alleged corruption, conflict of interest, and nepotism. It issued opinions, which frequently included recommendations that the prosecutor initiate criminal actions against those judges against whom there is sufficient evidence of corruption. During the year, the Republic Judicial Council (RJC) proposed to the Parliament that 13 judges be dismissed on the grounds of unprofessional and/or unethical behavior; 7 were removed.

In one case, a former judge from Strumica was sentenced to a 1½- year prison term for receiving bribes. In December, the Public Prosecutor's Office initiated criminal proceedings against a judge from Kochani on abuse of official position charges. The Government publicly expressed its discontent with the low number of court judgments in general.

The State Anticorruption Commission criticized the Public Prosecutor's Office for a lack of cooperation in following up on cases brought by the Commission. The Chief Public Prosecutor responded by accusing one member of the Commission of conflict of interest for holding several public positions simultaneously. The Commission also challenged the president of the RJC for failing to submit her financial statements as required by the Law on Prevention of Corruption.

Other judicial shortcomings included lengthy legal procedures, poor case management, lack of coordination between key legal institutions, political influence on the judiciary, and judicial corruption. The court system is three-tiered and composed of basic courts, appellate courts, and a Supreme Court. The Constitutional Court is not considered part of the judicial branch and deals with matters of constitutional interpretation and certain human rights protection issues.

The FWA stated that the judiciary should better reflect the ethnic composition of the population and that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council should be chosen by the Parliament, including by a majority of the ethnic minority M.P.s, to ensure minority representation. Of the nine judges on the Constitutional Court, six were ethnic Macedonians, two were ethnic Albanians, and one was an ethnic Turk. Of the seven members of the RJC, four were ethnic Macedonians, two were ethnic Albanians, and one was an ethnic Serb. Of the 23 sitting Supreme Court Justices, there were 16 ethnic Macedonians, 6 ethnic Albanians, and 1 ethnic Turk.

One additional seat was unfilled at year's end.

The Constitution provides for a fair public trial, and the Government generally respected this right in practice. Trials are presided over by judges appointed by the RJC (an independent agency) and confirmed by Parliament. Two to three community-member consulting jurors assist each judge in determining the verdict, although the judge makes the final decision regarding the sentence. The law also provides for the presumption of innocence, the right to a lawyer in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges have been pressed. These rights were generally respected in practice; however, lengthy legal procedures and delays were a problem. Court hearings and the rendering of verdicts were open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant was of concern. Trials could only be televised when authorized by the Supreme Court under special circumstances. International community members, including NGOs and other human rights observers, were regularly allowed to monitor high profile trials.

The law provides that trials may be held in absentia so long as they are repeated if the convicted individuals later become accessible to justice officials. Two of eight codefendants tried in 2003 in absentia for planting several explosive devices in and around Kumanovo were later detained by the U.N.-authorized, NATO-led peacekeeping force in Kosovo. During the year, both were extradited to the country, retried, convicted, and sentenced to a maximum of 7 years in prison.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions and the Government generally respected these prohibitions in practice; however, it was reported that the Ministry of Interior used an illegal wiretap in October to catch suspects in a criminal case. The suspects' defense attorney complained to the Deputy Public Prosecutor; however, a PSU investigation concluded the MOI had used lawful surveillance methods.

In 2003, the ERRC filed a pre-application letter with the European Court of Human Rights (ECHR) in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Roma, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro. According to an ERRC affiliate in Stip, during the year, the Government stopped the forced movement and allowed the refugees to start the asylum procedure. Approximately 700 of the refugees received "humanitarian protection," while some voluntarily returned to Kosovo.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the media was not completely independent, as some media outlets were closely aligned with political interests, and some news and information were reported from a political perspective. The Government did not restrict academic freedom. Media were divided along ethnic lines, with the most striking divisions visible in reports on controversial political issues. There was no government-controlled print media.

The Government stopped providing a yearly financial subsidy to the print media. The elimination of financial subsidies was strongly opposed by the Association of Print Media, composed of 14 daily and weekly publications. As of April, Pristina-based Koha Ditore started issuing a Macedonian edition of its Albanian-language daily, which rapidly attracted readership. Fakti is the other major Albanian-language daily.

Distributors of foreign newspapers and magazines no longer had to obtain permits from the MOI, and they were available throughout the country.

Macedonian Radio and Television (MRTV) was the sole public broadcaster in the country, with distribution reaching over 90 percent of the population. MRTV broadcast in Macedonian and generally favored the government point of view on political issues.

There were an estimated 150 local radio and television stations registered in the country. The Broadcasting Council of Macedonia recommended concessions, which the Government awarded, to radio and television broadcasters.

A1 Television and Sitel Television were the only private television broadcasters with nationwide coverage until July, when the Government granted three additional licenses for nationwide coverage to Skopje-based Telma TV and Kanal 5 TV, and Gostivar-based entrepreneur Vebi Velija. Over 50 private local television stations existed. There were two private Albanian-language television stations in Skopje, TV Era and TV Toska, as well as two stations that broadcast in the Romani language, TV-BTR and TV Sutel. TV EDO was a Bosniak language station.

In December, the Vienna-based Southeast Europe Media Organization (SEEMO), of which the Macedonian Association of Private Electronic Media (APEEM) was a member, protested against alleged government restrictions on freedom of movement of journalists in the Skopje suburb of Kondovo after journalists from all major print and broadcast media claimed that they had been limited in their reporting on an armed ethnic Albanian group there. However, international observers following the developments in Kondovo did not report any government restraints on media coverage.

There were two news agencies: State-owned Macedonian Information Agency (MIA) and private Makfax. Political influence on journalism, from ruling as well as opposition parties, was largely through economic pressure and indirect censorship. Methods of influencing the media included threats of advertising blackmail and denial of access to information sources.

Defamation and slander are regulated according to the Penal Code; sanctions include prison sentences and fines. The Association of Macedonian Journalists unsuccessfully attempted to negotiate a decriminalization of defamation during the year. The Parliament adopted an amended Penal Code with few significant improvements.

There were no new cases of slander brought before the courts; however, several slander cases concluded during the year. In April, a Bitola court sentenced journalist Mende Petkovski to a conditional 4-month prison term for libeling Bitola Court of Appeals judge Nexhat Ajro. Petkovski wrote a story in 2002 that alleged judge Ajro was driving a car without registration plates. Petkovski appealed the decision with the Skopje Court of Appeals, and his appeal was pending at year's end.

In May, Start magazine journalist Zoran Bozinovski was kept in detention for 6 days for not responding to a court subpoena after a private criminal lawsuit was filed against him on slander charges. In January, a court acquitted Goran Mihajlovski, editor-in-chief of Daily Vest, of charges of slander filed on behalf of former Prime Minister Ljupco Georgievski over a series of 2002 investigative reports alleging Georgievski was involved in property and financial fraud.

In November 2003, Skopje Court 1 convicted Utrinski Vesnik journalist Sonja Kramarska, former A1 TV journalist Dragan Antonovski, and Zum weekly journalist Zoran Markozanov in three separate slander cases brought in 2001. The Association of Print Media strongly protested these court decisions, claiming that they were an attempt by the former government to intimidate journalists and impose control over the media. All three verdicts were contested before the Court of Appeals: In the case of Dragan Antonovski, the court had not ruled on the appeal by year's end; Zoran Markozanov's case was returned to the First Instance Court for review; and Sonja Kramarska's appeal was rejected.

The trial of Start journalist Marjan Gjurovski on charges of slander filed by former director of the Public Security Bureau Goran Mitevski was ongoing at year's end.

There were no investigation results in the investigation of the 2002 attack by an unknown gunman on the printing facility of now-defunct Global magazine in Mala Recica and the destruction of the vehicle of Global's co-owner and Start owner Ljupco Palevski at year's end.

At year's end, the trial was ongoing against Nikola Tasev, former General Manager of Nova Makedonija, and Besnik Fetai, former Minister of Economy, who were charged with abuse of power for selling 70

percent of Nova Makedonija's shares on the eve of 2002 parliamentary elections. Nova Makedonija was the largest publishing house before its liquidation in 2003.

No progress was made in the two police investigations into a June 2003 incident in Aracinovo, where local residents physically prevented MTV, Sitel TV and Telma TV from reporting on an incident and several journalists sustained injuries.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Advance notification to authorities of large public meetings was optional. Religious gatherings, if they occur outside of specific religious facilities, could only be convened by registered religious groups and must be approved in advance by the MOI (see Section 2.c.).

On July 22, police used shock bombs and tear gas to control a rioting crowd of protesters who were throwing rocks and Molotov cocktails at the local headquarters of the ruling SDSM party in Struga, with Defense Minister Buckovski and others trapped inside. Up to 30 persons were injured during the riot, including a Proxima police officer, and several police vehicles were also burned by the crowd. PSU and EU Proxima investigations found that police did not use excessive force.

On July 26, a related protest in Skopje remained peaceful, and police leaders exercised restraint in responding to occasionally violent provocations by youth protesters.

Political parties and organizations are required to register with a court. More than 64 political parties were registered, including parties of Albanians, Turks, Serbs, Bosniaks, and Roma.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship. The Constitution specifically mentions several religious denominations and faiths, including the Macedonian Orthodox Church (MOC), the Methodist Church, Islam, Catholicism, and Judaism; however, none of these religious communities had official status or privileges.

The Law on Religious Communities and Groups contained a number of specific requirements for the registration of religious groups that were struck down by the Constitutional Court in 1999. Consequently, there was confusion over which registration procedures still applied. According to the law, only one religious community or group may be registered per confession. In November, the Government rejected an application filed on behalf of the Ohrid Archbishopric, an affiliate of the Serbian Orthodox Church, citing this provision of the law.

The Government requires that religious groups be registered to request visas for visiting foreigners. It is no longer necessary to have a government "opinion" to own a "religious facility;" however, a government opinion is legally required to obtain a permit to build such a facility. After a recent Constitutional Court ruling struck down sections of the Law on Religious Communities and Groups that authorized the Government to provide such an opinion, religious groups were effectively blocked from constructing worship facilities pending planned amendments to the law. The Government generally did not take action against religious buildings lacking permits; however, there were exceptions. On October 15, building inspectors demolished an illegally built church belonging to the Bishop Jovan of the Serbian Orthodox Church (SOC) in the village of Nizepole.

The law places some restrictions on the establishment of places of worship. A provision exists for holding services in other places, not included in the law, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. The law also states that religious activities "shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular

religion. The Government did not actively enforce most of these provisions of the law, but acted upon complaints when they were received.

On January 11, police acting on complaints from building residents alleging disruption of peace and order arrested Zoran Vraniskovski, also known as Bishop Jovan, along with 11 of his followers after they conducted a liturgy in Vraniskovski's Bitola apartment, and submitted a misdemeanor complaint. Soon afterwards, the Bitola Public Prosecutor's Office filed criminal charges against Jovan for inciting religious and ethnic hatred based on the alleged publication and distribution of a religious calendar containing text considered offensive by members of the MOC. The text calls the MOC "the last fortress of communism" and its believers "heretics." Jovan admitted to writing the text, but not to producing and distributing the calendar. On August 19, the Bitola Basic Court found Jovan guilty of the charges of inciting religious and ethnic hatred and sentenced him to 18 months in prison. At year's end, Jovan remained free pending appeal of his case.

The law also requires that foreigners entering the country with the intent to carry out religious work and/or perform religious rites receive approval from the Government's Commission on Relations with the Religious Communities. When applying for visas, persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country to the Commission, which then issues a letter of approval to be submitted with the visa request. Approvals were normally issued within 2-3 days.

Education laws restrict the establishment of all private primary schools, including parochial schools; however, there were no restrictions placed on religious education that took place in religious spaces (churches, mosques, etc.). In 2002, the Government granted work visas to employees at the Timothy Academy, an evangelical Christian academy operated by foreigners for foreign children, and legally registered the school as an NGO. In 2003, Timothy Academy's initial request for renewed work visas was denied due to insufficient documentation. In December, after bureaucratic delays, Timothy Academy's request for renewed work visas was approved.

At year's end, the Jewish Community reported that all outstanding property claims of the Community had been resolved; however, problems remained with the restitution of properties belonging to the Holocaust Fund of the Jews from the Republic of Macedonia. The Jewish Community expressed some frustration with the slow pace of developments concerning these properties. The Jewish Community received a partial decision restoring some of these properties to the Fund in November, but was still awaiting full restoration.

On March 4, several spectators hung banners with swastikas at a handball match between two local teams near the city of Bitola. Police officials present did not confront the individuals responsible for the banners, and pictures of the policemen standing in front of the banners appeared in newspapers the following day. Several newspapers published editorials critical of the police's inaction, and the MOI later disciplined the officers in question.

In February, an explosion occurred in Bitola at the Asan Baba mosque. There were no injuries and few details emerged about the incident, apart from a report that grenades were used and that the location had also been attacked by ethnic Macedonians during the 2001 riots in Bitola related to the ethnic Albanian insurgency. In March, during the unrest in Kosovo, unknown attackers threw several Molotov cocktails on the roof of a mosque in Kumanovo. There was no damage to the mosque beyond scorching of ceramic tiles. In April, two churches in Tetovo reportedly were vandalized following Easter services.

There were isolated reports of vandalism of religious properties.

At year's end, the ongoing ownership dispute between the Bekteshi religious sect and the Macedonian Islamic Community over the Bekteshi religious facility remained unresolved. The Bekteshis had filed suit against the Government for not reversing the former Yugoslavia's nationalization of their Tetovo compound as well as against the Macedonian Islamic Community, armed members of which took over the complex in August of 2002. Although the armed intruders left by the end of 2002 under international community pressure, Islamic Community leaders continued to hold services on these grounds and

members of the Bekteshi community were not allowed to worship there at year's end.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. According to the Minister of Justice, the Amnesty process was completed during the year. Individuals could still initiate legal procedures to obtain a formal amnesty; however, no one had done so by year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

Under the Constitution, any Yugoslav citizen who had legal residence in the country in 1991 could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem. Many former Yugoslav citizens were unable to acquire Macedonian citizenship. As a result, they often were unable to obtain valid identity documents.

In 2003, the Parliament approved the law on citizenship, which reduced the residency requirement for aliens from 15 to 8 years and provides more favorable conditions for acquiring citizenship for foreigners married to Macedonian citizens, persons without citizenship, and persons with refugee status. Former President Trajkovski vetoed the legislation in January; however, Parliament overrode Trajkovski's veto on January 23 and the law came into effect.

At the height of the country's internal conflict in 2001, the U.N. High Commissioner for Refugees (UNHCR) estimated that approximately 170,000 persons, approximately 8 percent of the population, were displaced from their homes. A majority of these internally displaced persons (IDPs) and refugees have returned to their homes. According to UNHCR, approximately 1,424 IDPs remained displaced in the country in December. The ICRC supported approximately half of the IDPs with income-generating projects in the agricultural, livestock-rearing and handicraft sectors, but expected this to be the last form of material support they would provide. According to the UNHCR, approximately 837 refugees from the country remained in Kosovo as of November.

IDPs and refugees often did not return to their hometowns because their houses were still badly damaged or entirely destroyed as a result of the 2001 conflict. The UNHCR and foreign governments led efforts to rehabilitate homes that suffered minor damage. The European Agency for Reconstruction (EAR) continued to rebuild badly damaged homes. At year's end, approximately 6,243 homes, of a total of some 6,643 destroyed or damaged homes, had been rehabilitated or rebuilt. In some cases, persons did not return to their homes in ethnically mixed locales because they felt unsafe. Arsonists reportedly burned some of the rebuilt homes in Opaje and Jeduarce. Overall, UNHCR and EAR recorded fewer cases of arson and vandalism of rebuilt homes than in the previous year.

The new asylum law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government had established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared prosecution; however, in 2003 the Government expelled two Kosovo refugees by dropping them off at the Serbian border (not the Kosovo portion).

At year's end, there were approximately 1,233 asylum seekers; 957 persons enjoying "humanitarian protection" (a form of asylum under the Law on Asylum and Temporary protection which can last for up to a year and is renewable); 23 recognized refugees; 24 Bosnians permitted to remain in the country under the Aliens Act; and 6 rejected asylum seekers. Approximately 2,311 persons had applied for asylum by October. Few asylum seekers were granted that status, but those who were denied had the opportunity to appeal to the Supreme Court. As of year's end, the Supreme Court had not ruled on any of the appeals it received during the year.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. During the year, 124 refugees voluntarily returned to Serbia and Montenegro (including Kosovo). A total of 2,239 refugees from Kosovo, almost all of whom were Roma, remained. These refugees benefited from a limited temporary humanitarian protection status that did not provide for self-reliance or local integration rights. Refugees were sheltered in private accommodations, with the exception of 14 asylum-seekers who were housed at the Gazi Baba reception center. The UNHCR closed the collective center in Katlanovo, near Skopje, in mid-year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage.

By year's end, Parliament had completed nearly all FWA-mandated legislative actions, which was designed to enhance minority civil rights and devolution of power to local governments. In particular, laws regarding the use of languages and flags had not yet been debated in the Parliament.

On February 26, President Trajkovski died in a plane crash. Presidential elections were held April 14 and 28. Then-Prime Minister Branko Crvenkovski of the ruling coalition partner Social Democratic Union of Macedonia (SDSM) won the election, and was inaugurated President on May 12. International observers characterized both rounds of the election as satisfactory, but noted serious second-round irregularities in parts of the country. Opposition VMRO-DPMNE challenged the election results on the basis of the irregularities; however, international observers concluded that these did not significantly influence the final outcome. The Parliament confirmed Hari Kostov, former Interior Minister, as Prime Minister on June 2. Prime Minister Kostov resigned on November 15, after less than 6 months in office. Former Defense Minister Vlado Buckovski was confirmed as Prime Minister on December 17.

In August, the Parliament passed a package of decentralization laws mandated by the FWA. Among these were several controversial laws on revised municipal boundaries. Opponents of the new municipal redistricting plan had begun a referendum drive in February, and collected enough signatures by the end of August to compel the Government to hold a referendum. The referendum, on November 7, asked citizens to vote for or against re-establishing municipal boundaries as defined in a 1996 law. The referendum failed due to low voter turnout and paved the way for FWA-mandated fiscal and administrative decentralization and increased devolution of power and resources to local communities.

Corruption was a problem in the executive and legislative branches of the Government. The State Anticorruption Commission was responsible for investigating charges of corruption as well as complaints submitted by citizens. During 2003, the Commission initiated 15 investigations and responded to 603 civil complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases. Of the 15 cases, 5 resulted in recommendations for continued investigations or court proceedings, 5 were dismissed or resolved without further proceedings, and 5 were stalled pending additional information from relevant persons or state bodies. The Commission acted on 427 of the civil complaints, of which 10 percent were ultimately submitted to competent state bodies for continued investigation. In 2003, the Customs Administration began operating a free, anonymous hotline for citizens to report suspected cases of smuggling and corruption among customs officials. As of year's end, seizures of smuggled products had more than doubled from the previous year.

There were 23 women in the 120-seat Parliament, 21 of whom were ethnic Macedonians and 2 of whom were ethnic Albanians. Out of the 19 ministers in the Government, 3 were women – the Foreign Minister, the Justice Minister and one of three Deputy Prime Ministers. The law requires women to constitute 30 percent of each political party's list of candidates in elections at both the national and municipal levels. In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family or proxy voting through which male family members voted on their behalf.

There were 26 ethnic Albanians, 1 Macedonian Muslim, 1 Roma, 3 Turks, 2 Serbs, 2 Bosniaks and 1 Vlach in the 120-seat Parliament. Four ethnic Albanian parties and a Roma party had M.P.s; the ruling government coalition included one of the three major ethnic Albanian parties, as well as the Roma party,

a Bosniak party, a Serb party, and a Turk party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international and domestic human rights groups generally operated without government restriction, while investigating and publishing their findings on human rights cases. The OSCE led international community efforts to engage the Government on human rights issues. Government officials were generally receptive to the views of human rights groups.

There were more than 4,000 registered NGOs, including the MRC, FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and many local NGOs devoted to specific causes, including Roma rights, human trafficking, and voters' rights.

The OSCE and EU monitoring missions continued to assist with implementation of the FWA and to work on restoring confidence between ethnic Macedonians and ethnic Albanians.

The ICTY continued to investigate five alleged war crimes cases over which it asserted primacy in 2002, including the killing of ethnic Albanian civilians by police at Ljuboten in August 2001. Two of the cases in which the ICTY asserted primacy dealt with missing persons. ICTY planned to announce by year's end which of these cases would be tried by the Tribunal and which would be returned to the country for possible prosecution. The Government generally cooperated with the Tribunal.

The FWA gives the Ombudsman the mandate to improve nondiscrimination and equitable representation of non-majority communities. The Ombudsman's Office opened six decentralized offices in Bitola, Kumanovo, Tetovo, Stip, Strumica and Kicevo during the year; however, six deputy ombudsmen had not been appointed by year's end. The Ombudsman has the legal right to visit all persons detained, including those in pretrial detention, at any time, in private, and without prior authorization and it was able to freely to exercise this right during the year.

According to its published annual report, the Ombudsman ascertained that state institutions violated individuals' rights in 550 cases, approximately 20 percent of the total complaints received in 2003. The largest number of cases concerned violations of judicial, labor and property rights. The Government acted on the Ombudsman's recommendations in 356, or 65 percent of these cases. The Ombudsman's Office described overall official cooperation as "good and improving." For the first time during the year, the Parliament held a 2-day session to review the annual report of the Ombudsman.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political beliefs, property, or social status; however, societal discrimination against ethnic minorities persisted, and the protection of women's rights remained a problem.

Women

Domestic and other violence against women was a persistent and common problem. Legal recourse is available to rape victims, including victims of marital rape; however, cultural norms discouraged the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. In March, Parliament adopted two amendments to the Criminal Code that specifically addressed domestic violence and increased the maximum sentence to life imprisonment. In June, Parliament adopted changes to the Family Law to include provisions for civil restraining orders; however, police did not receive formal training related to domestic violence. Police in some police stations in Skopje did receive a briefing on new regulations concerning family violence, but there are no internal practical police guidelines in place for investigating cases of family violence. Victims of family violence often were reluctant to bring charges against perpetrators because of the shame it would inflict on the family, and police were limited in their ability to respond to allegations of domestic violence and spousal rape if the crime did not occur in police presence.

According to some surveys, one out of four women claimed to have been a victim of domestic violence, either physical or psychological. Public concern about violence against women was not evident in the media, although some women's groups were working to raise awareness of the issue. NGOs and the Government operated shelters for victims of spousal abuse, and three new government shelters were opened during the year in Bitola, Kocani and Strumica. A hotline remained open, but had limited hours. The Government offered some limited support for victims of domestic violence, but relied heavily on international donor support to maintain the hotline and shelters.

Rape is specifically addressed in the Criminal Code; however, rape convictions require proof of both penetration and active resistance on the part of the victim. These regulations are more stringent than the requirement for any other violent crime. Penalties for rape or forcible sexual assault range from a minimum of 1 year to a maximum of 15 years' imprisonment. There were some rape cases tried during the year.

Trafficking in women for sexual exploitation was a problem (see Section 5, Trafficking).

Sexual harassment of women in the workplace was a problem, particularly in the private sector; however, there was little public attention paid to the issue. Sexual harassment was not specifically addressed by law; however, it could be prosecuted as a criminal act under antidiscrimination legislation. In practice, this did not happen. Women remained underrepresented in the higher levels of the government and private sectors, although some professional women were prominent.

Women from some parts of the ethnic Albanian community did not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some ethnic Albanian communities, women were disenfranchised due to the practice of family and proxy voting through which men vote on behalf of women family members (see Section 3).

The Office of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. In January, the Government submitted its first report to the U.N. Committee on the Elimination of Discrimination Against Women.

Women's advocacy groups included the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women. These groups worked to combat domestic violence and trafficking, increase women's political involvement, improve women's access to legal services, and promote female establishment of small and medium enterprises, among other activities. A Women's Parliamentary Lobby comprised all female M.P.s.

Children

The Government was committed to the rights and welfare of children; however, it was significantly limited by resource constraints. The Office of the Ombudsman contained a special unit for children, partially funded by UNICEF.

Education is mandatory through the eighth grade or to the age of 16; however, some children did not enter the education system at all. The Ministry of Education reported 95 percent enrollment; however, no other official data was available on children's school attendance or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials.

Almost 90 percent of the children who finished primary school continued on to secondary school; however, at both the primary and secondary levels, girls in some ethnic Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students went on to high school. This was due in part to lack of available classes in minority languages at the secondary level and in part to many rural, ethnic Albanian families' conviction that girls should be withdrawn from school at age 14.

According to Romani community leaders, up to 10 percent of Romani children never enrolled in school. Of those who did enroll, 50 percent dropped out by the fifth grade and only 35 to 40 percent finished the

eighth grade. The Ministry of Education encouraged ethnic minority students, particularly girls, to enroll in secondary schools.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the predominantly ethnic Albanian western parts of the country, and parents and students sometimes protested these conditions. Parents in Dobarce and Brodec--two villages near Tetovo--boycotted the start of the school year in protest of poor physical conditions at their children's schools.

Interethnic fights and beatings remained commonplace in the country's public schools.

Medical care for children was adequate; however, it was hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

There were reports of the abuse of children, although there was no societal pattern of such abuse. According to MOI statistics, the number of reported cases of sexual abuse against children decreased; there were 37 reported cases during the year.

Girls were trafficked for sexual exploitation (See Section 5, Trafficking.)

Romani children were often organized into groups by Romani adults and made to beg for money at busy intersections, street corners, and in restaurants and cafes (see Section 6.d.).

According to some estimates, there were between 500 and 1,000 street children in the country. In Skopje, the Government operated a daycare center for street children, who were predominantly Roma. The government-funded center, which served between 60 and 100 children daily, was staffed by social workers, psychologists and teachers and offered an alternative approach to rehabilitating street children. The Ombudsman's Office for Children continued to investigate complaints regarding violations of children's rights.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. Amendments to the 2002 trafficking law adopted in April provide for the arrest, prosecution, and sentencing of important traffickers; however, significant challenges, primarily in the judiciary, remained in eliminating trafficking and related activities. In some isolated instances, police were complicit in the trafficking of persons.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery, or a similar relationship. The trafficking law mandate a minimum of 4 years imprisonment for most trafficking crimes and a minimum of 6 months for the destruction of identification documents of trafficked persons. Persons convicted of organizing human trafficking receive a mandatory minimum prison term of 8 years and 1 to 10 years for complicity in the crime of human trafficking. The new Criminal Code provision adopted in April introduces a method of plea bargaining by waiving criminal sentences for coconspirators who provide evidence against the organizers of human trafficking crimes. A minimum sentence of 6 months is also mandated for persons who wittingly use, or enable another person to use, sexual services from a trafficked person. The Criminal Code increased the mandatory minimum prison term for trafficking in children from 4 to 8 years, while simultaneously increasing the mandatory minimum prison term for knowingly using trafficked children and juveniles for sexual exploitation to 8 years. The mandatory minimum sentence for persons who destroy or withhold a person's passport or identity documents in the course of committing a crime of human trafficking is 4 years.

The new statute subjects legal entities to criminal liability and a fine of at least \$2,000 (94,000 denars) for human trafficking.

In 2003, Parliament approved a constitutional amendment legalizing special investigative methods to be used in trafficking investigations, including wiretapping.

As of August, the MOI had brought charges in 40 cases of criminal offenses committed by 80 individuals. Nine were said to be direct cases of human trafficking and involved 31 alleged perpetrators. In 20 other cases, charges were brought against 35 persons for dealing in prostitution. Charges were also brought for the smuggling of migrants across international borders, and for transportation of persons for purposes of sexual slavery.

In May, one case was brought to trial in Gostivar, with a victim from Ukraine testifying against the alleged trafficker. In June, in another case in Gostivar, a victim from Moldova testified against a person who was charged with mediation in prostitution. In the Ohrid Basic Court, three victims from Ukraine and one from Romania testified, leading to the indictment of three persons for mediation in prostitution. At year's end, verdicts in these cases were pending.

Although some trafficking trials were ongoing during the year, no traffickers were sentenced. The MOI's Department of Organized Crime was the lead government body on antitrafficking activities and detailed several law enforcement personnel to work full time in its main trafficking unit in Skopje. It also deployed antiorganized crime police officers to combat human trafficking on a local level. The Government routinely cooperated with neighboring countries national organizations, most notably the Southeast European Cooperative Initiative.

While the country remained primarily a transit and destination country, officials and others acknowledged that it was also a country of origin for a small number of trafficking victims. Reliable trafficking statistics were not available, but according to experts, including the OSCE and others working in the field, the general estimate was that between 200 and 400 women were trafficked to or through the country during the year primarily for the purpose of sexual exploitation. MOI officials reported a downward trend in human trafficking during the year, although the number of persons internally trafficked rose. Ukraine, Moldova, Romania and Bulgaria remained the primary sources of trafficked victims and victims trafficked through the country were most often in route to Serbia and Montenegro (including Kosovo), Albania, and Western Europe.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses or waitresses in local clubs. Police raids and testimony by victims confirmed that trafficking victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance.

There was one documented case of police complicity in trafficking in Gostivar, in which an officer was suspended from duty pending two criminal charges for misuse of official position and trafficking in persons. The pretrial criminal procedure concluded; however, a hearing had not been scheduled by year's end. Two police officers who testified on behalf of trafficker Dilaver Bojku were under investigation for possible complicity in trafficking.

During the year, the International Organization for Migration (IOM) assisted 24 victims of trafficking at its local shelter, which it operated with support from the Government and a local NGO. Of these 24 victims, 4 were under 18 years old. However, the total number of women who were assisted in the transit shelter center was 38, of whom 12 were under age 18. Two of the assisted persons were citizens.

There were modest signs of increased witness facilitation activity during the year. According to MOI sources, the Ministry offered support and protection to at least seven victims and witnesses who testified against traffickers in four prosecuted cases. The IOM repatriated all self-identified trafficking victims who voluntarily agreed to participate in the repatriation program, including victims who testified against their traffickers. In cases when victims of trafficking were brought into the country to testify against their traffickers, they were returned to their countries of origin as part of the program for witness facilitation. In May, one case was brought to trial in Gostivar, with a victim from Ukraine testifying against the alleged trafficker. In December, a victim from Bulgaria testified in a case leading to an indictment on human trafficking charges. At year's end, verdicts in these cases were pending.

The Government's National Commission for Prevention and Suppression of Trafficking in Persons, which consisted of representatives from several ministries, coordinated the Government's efforts to combat trafficking. A Secretariat provided recommendations to the National Commission and assisted in the implementation of the Government's national action plan.

Persons with Disabilities

The law prohibits discrimination on the basis of disability; however, there was discrimination against persons with disabilities in employment, education, access to health care, and in the provisions of other state services. No laws or regulations mandate accessibility to buildings for persons with disabilities, and many public buildings remained inaccessible for persons with physical disabilities.

A recent survey, conducted by the Enterprise for Research, Consultancy and Services (BSC ESTEK) found that only 9 percent of 170 private businesses surveyed employed persons with disabilities. The Inter-Party Parliamentary Lobby Group (IPPLG) for the Rights of People with Special Needs worked to develop and promote legislation promoting the rights of disabled persons. In March, amendments to the Law for Employment of People with Disabilities, which more clearly define employees' rights and employers' obligations, were adopted by Parliament.

UNICEF worked with the Government on several projects aimed at mainstreaming children with disabilities; however, it reported that the Government was reconsidering its support for these programs. The Ministry of Labor and Social Policy operated 8 daycare centers for disabled children.

National/Racial/Ethnic Minorities

Based on the 2002 census, 64.18 percent of the country's population are ethnic Macedonian; 25.17 percent are ethnic Albanian; 3.85 percent are ethnic Turkish; 2.66 percent are Roma; 1.78 percent are ethnic Serb; 0.84 percent are Bosniak; and 0.49 percent are ethnic Vlach.

Inter-ethnic relationships remained strained, and these tensions were visible throughout the year. During the referendum campaign, the new municipal boundaries were frequently referred to as "territorial division," drawing heightened attention to the increased number of majority-Albanian municipalities under the new laws. Pro-referendum events often featured nationalist rhetoric, although these events generally remained peaceful. On August 4, a pro-referendum motorcade passed through the Skopje neighborhood of Cair, where ethnic Albanians reportedly threw stones at the vehicles.

On August 26, ethnic Albanian villagers in Celopek protested the planned installation of a plaque commemorating two ethnic Macedonians who were killed at the site of the Motel Brioni during the 2001 conflict. The motel site was at the center of a property dispute between ethnic Albanian and ethnic Macedonian villagers, and disagreement over its usage took on an ethnic dimension.

Interethnic tension in schools remained a problem. On November 15, an attempt to reintegrate a technical school in Kumanovo failed after returning ethnic Albanian students alleged ill treatment by ethnic Macedonian students and returned to their separate schools. On November 29, ethnic Macedonian and ethnic Albanian students clashed at Niko Nestor high school in the town of Struga. Following the incident, students and parents went on "strike," citing safety concerns and deteriorating interethnic relations at the school.

Students from different ethnic groups often studied in separate shifts, or entirely separate facilities, frequently at their parents' request. In Kumanovo, which was severely affected by the 2001 conflict, ethnic Macedonian, Albanian, and Serbian students continued to study separately, contributing to growing segregation in the area. In Shemsevo, ethnic Macedonian parents refused to send their children to mixed local schools, and instead sent them to monoethnic schools in the nearby towns of Jegunovce and Zilce. In Celopek, ethnic Macedonian and Albanian students traveled to school on separate buses, and ethnic Macedonian parents complained that their children were forced to use substandard classroom facilities. Poor material conditions in schools exacerbated tensions.

There also were incidents of societal violence and discrimination against Roma during the year. There were credible reports of occasional police violence against Roma, including beatings during arrest and while in detention (see Section 1.c.).

All citizens are equal under the law and the FWA; however, ethnic tensions and prejudices remained problems and some governmental institutions discriminated on the basis of ethnicity. The ethnic Albanian community was concerned about the slow progress in reaching equitable representation goals in government ministries, while ethnic Macedonians often claimed that they were targeted for downsizing

regardless of job performance. Implementation of the FWA-mandated legal changes was slow, and ethnic Albanians and Roma, particularly, continued to complain of widespread discrimination.

Some ethnic Albanians and Roma reported that they were effectively disenfranchised by discrimination in citizenship decisions (see Section 2.d.).

Although some progress was made, underrepresentation of ethnic Albanians in the military and police remained a problem (see Section 1.d.). In April, a 1-year training course for 345 "non-majority" police officers was initiated and included 280 ethnic Albanian police cadets, 40 ethnic Macedonian cadets, and 25 cadets representing the other ethnicities in the country.

The military continued its efforts to recruit and retain minorities by placing increased numbers of recruiters in the field; bringing in noncommissioned officers (NCOs) through its NCO academy, where minorities comprise over half of each graduating class; and actively recruiting ethnic Albanian specialists in medical and technical fields.

The constitutional amendments mandated by the FWA stated that Albanian must be recognized as a second, official language in areas where it is spoken by 20 percent or more of the population. The FWA stipulates that the Albanian language would be used officially in Parliament for the first time in October 2002 by M.P.s newly elected in 2002, with interpretation in the Macedonian language provided for ethnic Macedonians and others. In areas where ethnic minorities constitute more than 20 percent of the population, citizens had the right to communicate with local offices of the central Government in the language of the minority group, receive responses and personal documents in the same language; however, this did not always occur in practice. Under the law, those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; however, this did not occur in practice.

The FWA allowed for ethnic minority groups to display their national emblems next to the emblem of the Republic of Macedonia on local public buildings in municipalities in which they are a local majority. The Constitution provides for primary and secondary education in the languages of the ethnic minorities and primary education was available in Macedonian, Albanian, Turkish, and Serbian. The number of ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

At the university level, ethnic minorities remained underrepresented, although there was progress in increasing the number of minority students. In January, the Parliament passed a law officially recognizing Tetovo University as a state-funded, Albanian language university. This was a major step towards fulfilling the FWA requirement that state funding be provided for university-level education in languages spoken by at least 20 percent of the population. Tetovo University began operating officially in October with approximately 1500 students, including 40 ethnic Macedonians.

Ethnic Turks also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the lack of Turkish majority municipalities in the new municipal redistricting proposal, as well as a lack of Turkish language education and media.

Roma had the highest rate of unemployment and the lowest personal and family incomes, were the least educated, and had the highest birth and mortality rates of any ethnic group in the country. The Government provided very little in the way of social services to Roma. According to the 2002 census, Roma made up 2.66 percent of the population, but Romani leaders claimed that the actual number of Roma was 3 or 4 percent higher due to difficulties in enumerating the Roma population.

In 1999, approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars. At year's end, 2,239 of these Romani refugees remained in the country. The presence of these Romani refugees was not welcomed among the country's ethnic Albanians, who largely had hostile views concerning Roma (see Section 2.d.). Ethnic Macedonians also expressed irritation at the arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. These Roma were

often targets of harassment and verbal abuse, such as ethnic slurs.

Other Societal Abuse and Discrimination

Homosexuality was decriminalized in the country in 1996; however, while societal prejudice against homosexuals did exist, there were no reported incidents of violence towards homosexuals during the year. In June, the NGO Center for Civil and Human Rights challenged the Law on Service in the Macedonian National Army as unconstitutional, contending that it discriminated on the basis of sexual orientation.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form and join trade unions, and the Government generally respected these rights in practice.

The Ministry of Labor and Social Policy is responsible for registering independent trade unions. According to the law, all independent unions are free to register. Although several independent trade unions have been registered, some reported encountering obstacles, such as being told that only trade unions belonging to the Confederation of Trade Unions of Macedonia (SSM) may legally register. More than 50 percent of the legal workforce was unionized, and unions were particularly strong in the garment industry and the public sector.

Interest among workers for forming independent labor unions outside of SSM was growing. In recent years, there have been several newly formed unions, including of journalists, policemen, and farmers.

The SSM encompassed approximately 17 autonomous branch unions organized according to government or industry sectors. Membership was voluntary and fee-paying members made up almost 75 percent of the employed labor force. SSM's largest member union, SONK (Teachers' Union), suspended its dues payments because of disagreements with the SSM president.

SSM is independent from the Government, and all branch unions are part of SSM. The president of the SSM generally maintains close ties with Government officials.

The law prohibits antiunion discrimination; however, it existed in practice. Workers in private companies on several occasions were fired for participating in union activities. Because of the slow pace of the court system, at times, it took 2 to 3 years to regain employment legally.

Employers sometimes became involved in the internal affairs of unions. Most often, they dominated union election campaigns or ran their own candidates in elections. Consequently, workers sometimes were afraid to run for local union office and union elections were not always free and fair.

b. The Right to Organize and Bargain Collectively

The Constitution implicitly recognizes employees' right to bargain collectively, and most branch and local unions have collective bargaining agreements. However, the concept of collective bargaining remains in its infancy, and many collective bargaining agreements were outdated and have failed to keep pace with changes in the environment and workplace. Collective bargaining took place, but in the country's weak economic environment, employees had very little practical negotiating leverage. Collective agreements were negotiated between the unions and the Ministry of Labor and Social Welfare.

The SSM was the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. The SSM negotiated two national collective bargaining agreements with the Government, covering the public and private sector. The branch unions negotiated directly on a national level with the Chamber of Commerce and on a local level with each enterprise where they have members.

The Constitution provides the right to strike and workers exercised this right in practice during the year. Some members of the military and the police were permitted to strike but only if they adhered to restrictive guidelines and continued to perform essential duties; however, unlike in previous years, there were no

reports of police strikes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15-years old, and 17-years old for work considered hazardous. Working minors are placed under special protection of the law, which declares that minors may not be employed in work that is detrimental to their health and morality.

Reported violations of child labor laws increased during the year, and child labor was used in the "gray economy" (including begging on the streets and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night) and in illegal small businesses. Such violations received only token punishment, if any, and children remained vulnerable to exploitation. Children legally could not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare was responsible for enforcing laws regulating the employment of children.

Efforts to eliminate child labor abuse have been largely ineffective, with reported violations of child labor laws increasing over the year. While the necessary legal infrastructure was in place, there has been little practical implementation of the policy and laws, and little was done to raise public awareness on child labor abuse. The NGO sector was active in organizing workshops on children's rights. There were some programs and projects intended to prevent children from working, such as the Project for Children on the Streets, which organized shelters for abandoned children, and the MOI's Transition Center for women and children involved in prostitution.

e. Acceptable Conditions of Work

The average monthly wage was approximately \$244 (12,182 denars). The minimum wage is set differently across sectors; however, the average wage did not provide a decent standard of living for workers and their families. Many persons took on supplemental work, often in the "gray market." The Government Statistics Office estimated that 30.2 percent of the population lived below the poverty line.

The country has an official 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. According to the collective agreement, employees have a right to overtime of 35 percent of regular pay and employees cannot work over 10 hours of overtime per week. According to labor regulations, an employee is entitled to 18 to 26 days of paid vacation, not including weekends. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that did not comply with the law. In particular, small retail businesses often required employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety, they were not enforced strictly by the Ministry of Labor and Social Welfare. Workers have the right to remove themselves from situations that endangered their health or safety without jeopardy to their future employment; however, employers did not always respect this right in practice.